

REMARKS**Status of the Claims**

Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-24 are currently present in the Application, and claims 1, 8, 15, and 22-24 are independent claims. Claims 1, 3-4, 8, 10-11, 15, 17-18, and 22-24 have been amended, claims 2, 5, 9, 12, 16, 19, and 25-27 have been canceled, and no claims have been added.

Applicants are not conceding that the subject matter encompassed by claims 1-27, prior to this amendment, are not patentable over the art cited by the Examiner. Claims 1, 3-4, 8, 10-11, 15, 17-18, and 22-24 were amended and claims 2, 5, 9, 12, 16, 19, and 25-27 were canceled in this Amendment solely to facilitate expeditious prosecution of this Application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-27 as presented prior to this Amendment, and additional claims in one or more continuing applications.

Examiner Interview

Applicants note with appreciation the telephonic interview conducted between Applicants' representative and the Examiner on March 18, 2008. During the telephonic interview, the Examiner and Applicants' representative discussed the 102 reference (Davis et al., U.S. Patent No. 6,138,155). In particular, Applicants' representative discussed that Applicants' invention uses an embedded program to non-intrusively collect and process competitive data from a page of data that is located on a client computer system. In contrast, Davis discloses a method for monitoring user interaction with a downloaded resources, such as mouse clicks, but does not teach or suggest analyzing competitive data or changing provider data based upon the analysis. Applicants' representative provided a proposed amendment to independent claim 1 that incorporated limitations found in original claims 2 and 3, and also included limitations pertaining to changing provider data at the client. The Examiner agreed that the proposed amendment appears to read over Davis but wished to review Davis in further detail.

Drawings

Applicants note with appreciation the Examiner's acceptance of Applicants' formal drawings filed concurrently with the application.

Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 102

Claims 1-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Davis et al. (U.S. Patent No. 6,138,155, hereinafter "Davis"). Applicants respectfully traverse these rejections. Claims 2, 5, 9, 12, 16, 19, and 25-27 have been canceled in this response and, therefore, rejections to these claims are moot.

Applicants have amended independent claim 1 by incorporating limitations found in original claims 2-3 and adding limitations pertaining to changing provider data at the client. Support for such amendment may be found in Applicants' specification on page 5, line 28 through page 6, line 6. Therefore, no new matter is added with such amendment. As amended, independent claim 1 is directed to a method with limitations comprising:

- receiving a contribution request from a portal server at a provider server over a computer network, the contribution request corresponding to a client;
- at the provider server, including provider data and an embedded program in a contribution response, wherein the embedded program is adapted to non-intrusively extract competitive data at the client that is included in a page of data;
- sending the contribution response over the computer network from the provider server to the portal server;
- receiving the competitive data from a competitive server at the portal;
- at the portal, including the competitive data, the provider data, and the embedded program in a page of data;
- sending the page of data from the portal to the client;
- at the client, using the embedded program to compare the competitive data with the provider data; and
- using the embedded program to change the provider data at the client in response to the comparing.

Applicants use an embedded program to non-intrusively collect and process competitive data from a page of data that is located on a client computer system. When a portal receives a client request, the portal sends a contribution request to a provider server. The provider server includes an embedded program in its response that, in turn, is sent to the portal. The portal includes the embedded program in a page of data, and sends the page of data to the client. Once at the client, the embedded program extracts and analyzes competitive data from other sources that is also included in the page of data. Based upon the analysis, the embedded program changes the provider data accordingly, such as removing shipping charges.

In contrast, Davis discloses a method for monitoring user interaction with a downloaded resources, such as mouse clicks, etc. Davis states:

“In view of the foregoing shortcomings of the prior art, an object of the present invention is to provide a method for **tracking the use and interaction of a user** with a resource downloaded from a server on a network by use of a tracking program embedded in the resource and executable by a client.” (col. 4, lines 7-12, emphasis added)

As can be seen from the above excerpt, Davis focuses on user interaction, and does not focus on competitive data, let alone changing provider data in response to analyzing competitive data. As such, Davis does not teach or suggest “*at the client, using the embedded program to compare the competitive data with the provider data;*” and “*using the embedded program to change the provider data at the client in response to the comparing*” as claimed by Applicants.

Therefore, since Davis does not teach all the limitations included in amended claim 1, amended claim 1 is allowable over Davis. Independent claims 8 and 23 are information handling claims including similar limitations as claim 1 and, therefore, are allowable for at least the same reasons that claim 1 is allowable. Independent claims 15 and 24 are computer program product claims including similar limitations as claim 1 and, therefore, are allowable for at least the same reasons that claim 1 is allowable. Claim 22 is a method claim including similar limitations as claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable.

Each of claims 3-4, 6-7, 10-11, 13-14, 17-18, and 20-21 each depend, either directly or indirectly, upon one of the allowable independent claims 1, 8, or 15. Therefore, each of claims 3-4, 6-7, 10-11, 13-14, 17-18, and 20-21 are allowable for at least the same reasons that their respective independent claims are allowable.

Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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